

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

DOLLY SMOLNIK, INDIVIDUALLY AND AS
PERSONAL REPRESENTATIVE OF THE
ESTATE OF RONALD SMOLNIK

PLAINTIFFS

v.

No. 04-CV-401

THOMAS VAN DYKE AND SUE VAN DYKE,
INDIVIDUALLY AND D/B/A RANCH MOTEL
AND STORAGE

DEFENDANTS

ORDER

On the 24th day of October 2006, this matter came on for trial to a duly selected jury consisting of twelve members, the Honorable Robert T. Dawson presiding. On October 26, 2006, the case was submitted to the jury on interrogatories and a unanimous verdict was reached as to each interrogatory as follows:

INTERROGATORY NO. 1: THAT RONALD SMOLNIK WAS AN
EMPLOYEE ENGAGED IN COMMERCE?

ANSWER YES OR NO: NO

INTERROGATORY NO. 2: THAT THE DEFENDANTS FAILED TO PAY
RONALD SMOLNIK THE MINIMUM WAGE AND/OR OVERTIME PAY
REQUIRED BY LAW?

ANSWER YES OR NO: NO

INTERROGATORY NO. 1: THAT DOLLY SMOLNIK WAS AN
EMPLOYEE ENGAGED IN COMMERCE?

ANSWER YES OR NO: NO

INTERROGATORY NO. 2: THAT THE DEFENDANTS FAILED TO PAY
DOLLY SMOLNIK THE MINIMUM WAGE AND/OR OVERTIME PAY REQUIRED
BY LAW?

ANSWER YES OR NO: NO

Based upon these responses, the jury was not required to
answer the remaining interrogatories that were submitted to
them.

Plaintiffs' counsel has ten days from the date of this
order to file a brief outlining any position as to why the
jury's verdict should not be adopted and entered as the Order of
the Court. Defendants' counsel may file a response within five
days of the filing of Plaintiffs' brief. A final judgment will
then be entered by the Court with each party to bear their own
respective costs and fees.

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge